

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 04-10317-RCL |
| |) | |
| ANDREW LEWIS | | |

JOINT MOTION TO CONTINUE INTERIM STATUS CONFERENCE

Defendant and the United States through the undersigned attorneys and jointly request that this Court continue the interim status conference, presently scheduled for February 15, 2005, to a date convenient to March 28, 2005 at 2:30 p.m. As reasons therefore, the parties state that they await resolution of the government's appeal of the Magistrate Judge's January 11, 2005 Order granting certain discovery requests by defendant before further proceedings in the case. A hearing has not yet been scheduled by the district court in that matter. Moreover, because of counsel for defendant's vacation and trial schedule, and counsel for the government's trial schedule, the parties do not anticipate that either will be able to address the issues identified by Loc. R. 116.5 any earlier than March 28, 2005.

The parties agree that the Order entered by the Court on January 11, 2005 excluded the time until February 15, 2005. The parties further agree that the period commencing February 15, 2005 up to and including March 28, 2005 is excludable from calculations under the Speedy Trial Act because (1) a motion is

pending before the District Court, and (2) defendant needs additional time, once that motion is resolved, to prepare and file substantive motions.

Respectfully submitted,

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